

REMARKS/ARGUMENTS

In the Office Action, the Examiner stated that claims 1-5, 20 and 21 are drawn to a non-elected invention. Specifically, the Examiner stated that independent claim 1 has separate utility from the invention that has been constructively elected. As such, the Examiner requires claims 1-5, 20 and 21 to be cancelled. In light of the Examiner's requirement, applicant respectfully withdraws claims 1-5, 20 and 21. The applicant reserves the right to pursue the claims in Divisional and/or Continuation applications.

Claims 6-10 have been amended to be directed to a computerized method for managing an annuity provided to a plurality of investors. Newly added Claims 22-24 are drawn to an automated system of managing an annuity provided to a plurality of investors. Support for the use of a computer program or automated system to perform the method is found on page 11, lines 11-13 of the application. As such, claims 6-10 and 22-24 remain pending in this application.

A Request for Continued Examination as well as a three-month Petition for Extension of Time is submitted contemporaneously herewith, along with a Firm Check for \$1720.00 for a large entity (\$950.00 for Three Month Extension of Time and \$770.00 for Request for Continued Examination).

The Examiner rejected Claims 6-10 under 35 U.S.C. § 101 on the basis that the claimed inventions are directed to non-statutory subject matter. Specifically, the Examiner asserted that the claimed methods comprise abstract ideas. Citing Diamond v. Diehr, 209 USPQ 17 (1981), the Examiner stated that lacking any ties to a technological art, these ideas read on a sequence of mental steps, a judicially created exception to subject matter eligible for patent protection.

Amended independent claim 6 and new independent claims 22 and 23 are directed to methods of managing an annuity that require a programmed computer or require that the method be computerized. As such, the claimed methods do not read merely on a sequence of mental steps. The applicant respectfully submits that using a programmed computer to manage an annuity is in fact tied to a technological art. Thus, independent claims 6, 22 and 23 clearly fall within the statutory subject matter of Section 101.

In light of the arguments above, the applicant respectfully asserts that each claim is directed towards and encompasses statutory subject matter. It is respectfully submitted that claims 6-10 and 22-24 are now in condition for allowance and eventual issuance. Such action is respectfully requested. Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

By: 

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